



Declaration and Power of Attorney for Patent Application

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

NOVEL MANDELIC ACID DERIVATIVES

the specification of which

(check one)

☐ is attached hereto

☒ was filed on November 21, 2003 as

Application Serial No. 10/720,790

and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

<u>02026365.3</u> (Number)	<u>Europe</u> (Country)	<u>25 / 11 / 2002</u> (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

☒
Yes

☐
No

☐
Yes

☐
No

☐
Yes

☐
No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

☒ Practitioners at Customer Number **00151**

Direct all correspondence to:

☒ Customer Number **00151**

Direct telephone calls to: (name and telephone number)

Bernard Lau (973) 235-4387

Full name of sole or first inventor

David William Banner

Inventors signature

David W. Banner

Residence

Date

January 9, 2004

CH-4054 Basel, Switzerland

Citizenship

British

Post Office Address

Neubadstrasse 129, CH-4054 Basel, Switzerland

Full name of sole or second inventor

Luca Claudio Gobbi

Inventors signature

Luca C. Gobbi

Residence

Date

January 9, 2004

CH-4104 Oberwil, Switzerland

Citizenship

Swiss

Post Office Address

Rohrhagstrasse 14, CH-4104 Oberwil, Switzerland

(Supply similar information and signature for third and subsequent joint inventors.)

Full name of sole or third inventor, if any

Katrin Groebke Zbinden

Inventors signature

K. Groebke Zbinden

Date

January 9, 2004

Residence

CH-4058 Basel, Switzerland

Citizenship

Swiss

Post Office Address

Wettsteinallee 64, CH-4058 Basel, Switzerland

Full name of sole or fourth inventor, if any

Ulrike Obst

Inventors signature

Ulrike Obst

Date

January 9, 2004

Residence

CH-4153 Reinach, Switzerland

Citizenship

German

Post Office Address

Therwilerstrasse 41, CH-4153 Reinach, Switzerland

Full name of sole or fifth inventor, if any

Christoph Martin Stahl

Inventors signature

Christoph Martin Stahl

Date

January 9, 2004

Residence

D-79104 Freiburg, Germany

Citizenship

German

Post Office Address

Lerchenstrasse 28, D-79104 Freiburg, Germany

Title 37, Code of Federal Regulations, §1.56, duty to disclose information material to patentability (in part) provides, in part, that each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned.

Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim: or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.